

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In re:)		
)	RODGER WADE HOLSMAN	
)	LINDA SUE HOLSMAN	
)		Case No. 11-21868-drd-13
)	Debtors.	

TRUSTEE'S MOTION TO AMEND PLAN

COMES now Richard V. Fink, Chapter 13 Trustee ("trustee"), and moves to amend the debtors' plan and in support thereof states:

1. The debtors filed their Chapter 13 petition on October 31, 2011.
2. The plan was initially confirmed on January 11, 2012.
3. The confirmed plan is a Base 55 plan with monthly plan payments of \$200.00.
4. According to currently available information, the plan is running 57 months and will pay 16% to non-priority unsecured creditors.
5. The trustee recently received a copy of the debtors' 2014 tax returns. The federal return shows annual total income of \$102,402.00.
6. On the most recent Schedule I, filed April 10, 2012, the debtors indicate that their total household income is \$5,935.96 per month or \$71,231.52 annually.
7. According to the tax returns provided, the debtors are understating their income by \$31,170.48 annually or about \$2,597.59 monthly.
8. It appears the debtors have had a substantial change in financial circumstances and have failed to notify the trustee's office or the bankruptcy court of this change.
9. It is the trustee's position that, due to the change in the debtors' financial situation, it would be appropriate for the debtors to pay a higher dividend to non-priority unsecured creditors under 11 U.S.C. Section 1329(a).
10. The trustee moves to amend the debtors' plan under 11 U.S.C. Section 1329(a).
11. The debtors' plan payment shall be increased by \$866.00 per month, or about one third of the understatement of \$2,597.59. This is to allow the debtors to retain a portion of the understated income for increased taxes and/or living expenses.

12. The new plan payment will be \$1,066.00 per month. The plan will remain a Base 55 plan. The increase in plan payment will fund a Base that, according to currently available information, will pay about 51% to non-priority unsecured creditors.

Based on the foregoing, the trustee requests that the plan be amended, pursuant to 11 U.S.C. Section 1329(a), to a Base 55 with a monthly plan payment of \$1,066.00.

Respectfully submitted,

May 7, 2015

/s/ Richard V. Fink, Trustee
Richard V. Fink, Trustee
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NOTICE OF MOTION

IF YOU AGREE WITH THE TRUSTEE'S MOTION TO AMEND PLAN, PLEASE DO NOT FILE A RESPONSE TO THE MOTION OR AN AMENDED PLAN TO REFLECT THE SAME TREATMENT

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. If debtor's counsel is not registered for electronic filing, you must serve the response by mail. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order confirming the amended plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

NOTICE OF SERVICE

The following parties will be served either electronically or by United States first class mail and a certificate of service will be filed thereafter:

Debtor(s)

HANRAHAN & NACY PC, attorney for debtor(s) (336595)

/s/ Richard V. Fink, Trustee